



OFFICE
RECEIVED

Ref & Ref Run 307
#341 Reg for
Refund
10-03-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: RTI-101CPA2
Serial No: 08/816,079
Applicants: Wironen & Grooms
Title: BONE PASTE
Filed: 6/21/2002
Art Unit: Technology Center 1600

REQUEST FOR REFUND UNDER 37 CFR §1.26

Sir:

On June 21, 2002, Applicants filed a second Continued Prosecution Application (CPA), along with a three-month extension fee of \$460.00, in the above-captioned case. Under recent changes to rule 1.53 (d), a CPA application may only be filed for cases filed before May 29, 2000. On June 28, 2001, a first CPA was filed in this case, which established a new filing date, thereby invoking the May 29, 2000 critical date. Therefore, Applicants' second CPA filed June 21, 2002, was improper. As a result, the Examiner determined that the second filing was an incomplete response and the case was considered abandoned. In view of the erroneous filing of the second CPA, Applicants hereby request a refund of \$460.00 for the three-month extension of time, filed with the second CPA.

Please provide the refund via wire transfer to the following account:

Bank: SunTrust
Account Name: Van Dyke & Associates, P.A.
Account Number: 0710629938753
Bank/Routing Number: 063102152

Should the patent office require any additional information, or believe that a refund is not justified, Applicants request that the Patent Office call the undersigned.

Timothy H. Van Dyke
Reg. No. 43218
Customer No: 29847
Van Dyke & Associates, P.A.
1630 Hillcrest Street
Orlando, FL 32803
Phone: 407-228-0328; Fax: 407-228-0329

7-29-2002
Date

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 7-29-2002

Typed Name: Timothy H. Van Dyke

Signature: